

mittee, which bill will assist said Texas Counties, as well as other communities throughout the nation having abnormally high death rates from tuberculosis, and that there is no such provision now either State or Federal; and

Whereas, There is an urgent need for the passage of this bill during this the Seventy-seventh Congress; now, therefore, be it

Resolved by the Texas Senate, the House of Representatives concurring, That the Congress of the United States be respectfully requested to give careful and deliberate consideration to S. B. No. 195; and be it further

Resolved, That copies of this resolution be sent to the members of the Texas Delegation in Congress, and that a copy also be sent to the Senate Finance Committee.

The resolution was read and was referred to the Committee on Public Health.

#### Message from the House

The Assistant Reading Clerk of the House was announced by the Doorkeeper and was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 47, Permitting House and Senate to adjourn on Thursday, February 20, to Monday, February 24, 1941.

The House has adopted the Conference Committee report on S. B. No. 42 by a vote of 130 ayes, 0 noes.

The House has adopted the Conference Committee report on S. C. R. No. 15 by a vote of 132 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chier Clerk, House of Representatives.

#### House Concurrent Resolution 47

The President laid before the Senate for consideration at this time:

H. C. R. No. 47, Authorizing the Senate and/or House to adjourn from

Thursday, February 20, 1941, until Monday, February 24, 1941.

The resolution was read and was adopted.

#### Adjournment

On motion of Senator Isbell, the Senate, at 11:50 o'clock a. m., adjourned until 10:00 o'clock a. m. next Monday, February 24, 1941.

#### TWENTY-FOURTH DAY

(Monday, February 24, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

#### Absent—Excused

Chadick	Kelley
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A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 20, 1941, was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senators Chadick and Kelley were granted leaves of absence for today on account of important business, on motion of Senator Formby.

## Reports of Standing Committees

Senator Winfield submitted the following report:

Committee Room,  
Austin, Texas,  
February 24, 1941,

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 137, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, page 1296, Chapter 482, Section 1; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by committee amendment number one hereto attached, and be printed.

WINFIELD, Chairman.

Senator Hill submitted the following report:

Austin, Texas,  
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 318, A bill to be entitled "An Act amending Article 2831 of the Revised Civil Statutes of the State of Texas by adding a new Section to be known as Article 2831a, and providing for certain school fund balances not expended for the current year to be placed in the School Equalization Fund in certain counties in Texas having a population of not less than three hundred and ninety (390,000) thousand and not more than five hundred (500,000) thousand, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HILL, Vice Chairman.

Senator Lanning submitted the following report:

Austin, Texas,  
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 43,

Authorizing the State Highway Department to loan to the School Board of the Nocona Independent School District enough discarded guard rails to properly protect three thousand (3,000) lineal feet of the athletic field at Nocona.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

## Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Sulak:

S. B. No. 175, A bill to be entitled "An Act declaring the floods of Fayette County, Texas, to be a public calamity; authorizing an adoption and grant to Fayette County of one-half of the State ad valorem taxes collected in Fayette County for flood control improvements and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing, in the event of the creation of a Flood Control District in said county, for the donation and grant by the State of one-half of the State ad valorem taxes collected in Fayette County to said Flood Control District instead of Fayette County for flood control improvement and maintenance purposes; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

To Committee on State Affairs.

By Senator Sulak:

S. B. No. 176, A bill to be entitled "An Act declaring the floods of Lavaca County, Texas, to be a public calamity; authorizing an adoption and grant to Lavaca County of one-half of the State ad valorem taxes collected in Lavaca County for flood control improvement and maintenance purposes, specifying the reports

thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing, in the event of the creation of a Flood Control District in said county, for the donation and grant by the State of one-half of the State ad valorem taxes collected in Lavaca County to said Flood Control District instead of Lavaca County for flood control improvement and maintenance purposes; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

To Committee on State Affairs.

By Senator Lovelady:

S. B. No. 177, A bill to be entitled "An Act amending Article 2616, Revised Civil Statutes of Texas, 1925, to remove the government and direction of policies of the John Tarleton Agricultural College at Stephenville, from the authority of the Board of Directors of the Agricultural and Mechanical College of Texas, and to create instead a board of five directors, to be appointed by the Governor, to take over such duties; and declaring an emergency."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 178, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for assistants to the county superintendent; providing for rural supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all general and special laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

To Committee on Education.

By Senator Metcalfe:

S. B. No. 179, A bill to be entitled "An Act creating a special road law for Coke County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road

and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Coke County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Metcalfe:

S. B. No. 180, A bill to be entitled "An Act creating a special road law for Brown County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Brown County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Aikin:

S. B. No. 181, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

To Committee on Finance.

By Senator Sulak:

S. B. No. 182, A bill to be entitled "An Act to regulate the occupation

of hairdressers and cosmetologists, to create a Department of Cosmetology of the State Board of Health for the licensing of persons to carry on and to teach such practices and to insure a better training and education of such practitioners and instructors; to provide penalties for the violation thereof; providing for the levy and collection of taxes and charges thereunder and to make an appropriation; providing a saving clause; repealing all laws in conflict herewith; declaring an emergency, and providing that this Act shall repeal and supersede H. B. No. 189 of the Regular Session of the Forty-fourth Legislature, and H. B. No. 127 of the Second Called Session of the Forty-fourth Legislature of the State of Texas."

To Committee on Public Health.

By Senator Sulak:

S. B. No. 183, A bill to be entitled "An Act declaring the floods of Colorado County, Texas, to be a public calamity; authorizing an adoption and grant to Colorado County of one-half of the State ad valorem taxes collected in Colorado County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing, in the event of the creation of a Flood Control District in said county, for the donation and grant by the State of one-half of the State ad valorem taxes collected in Colorado County to said flood control district instead of Colorado County for flood control improvement and maintenance purposes; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

To Committee on State Affairs.

#### Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
February 24, 1941.

To the Members of the Forty-seventh Legislature:

I submit as emergency legislation the subject of amending H. B. No. 170, Chapter 91, Acts of the First

Called Session of the Forty-first Legislature, and Chapter 206, Acts of the Regular Session of the Forty-second Legislature, which laws create the office of State Auditor and provide for a uniform budget system of the State.

In my message to the Legislature on January 16, I pointed out the necessity of amending both of these laws so as to place the State Auditor directly under the control of the Legislature and to provide for a Director of the Budget who would be responsible to the Governor.

The substitute for S. B. No. 20 which has now been approved by the Committee on State Affairs in the Senate will, in my judgment, accomplish the main essential purposes desired. The bill will not do everything I should like to have done, but I believe this substitute for S. B. No. 20 will accomplish the two main fundamental purposes necessary to establish an effective budget system and an effective audit system for this State. And it is for this reason that I submit this subject as emergency legislation, and I recommend the passage of the substitute for S. B. No. 20.

My opinion has been requested as to the advisability of combining this legislation with a broad plan which is proposed to completely reorganize the administrative departments of the State Government and put all employees of the State under a classified civil service. I think everyone knows that any bill designed to effect a complete reorganization of the State Government, such as is proposed in legislation now before this Legislature, will involve a long drawn out consideration, and will meet with much opposition, and in the end may not be enacted into law.

I am not opposed to the most effective reorganization of all of the departments of the State Government that it is possible to obtain, but I think it would be a serious mistake to attempt to merge these two bills for the reason that it might result in not getting anything accomplished. Furthermore, I see no reason for considering these two pieces of legislation together. I think the better course would be to pass this bill, and pass it now. By so doing, we shall at least improve the situation as it now stands and if the Legislature is able during the remainder of the session to secure

the passage of the governmental reorganization bill, it will be just as easy to amend this law to make it fit into the complete reorganization plan, as it would be to amend the present law to fit into that plan. In other words, by passing this legislation now, we are assured of some definite accomplishment, while at the same time, we shall not even in the slightest degree interfere with the possibility of a still broader improvement in the organization setup of the State Government.

I would certainly hate to see this bill merged with a general governmental reorganization bill and thereby possibly jeopardize the passage of both pieces of legislation.

I recommend that you immediately pass the committee substitute for S. B. No. 20, by itself, without any attempt to merge it with any other legislation.

Respectfully submitted.

W. LEE O'DANIEL,  
Governor of Texas.

**Report of Conference Committee on  
Senate Concurrent Resolution 15**

Senator Moffett submitted at this time the following report of the Conference Committee on S. C. R. No. 15:

Austin, Texas,  
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer Leonard, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. C. R. No. 15, after due consideration, recommend that the free conference report hereto attached be in all things adopted.

Respectfully,

MOFFETT,  
SMITH,  
FORMBY,

On the part of the Senate;

KING,  
ANDERSON,  
BUNDY,  
MARTIN,

On the part of the House.

S. C. R. No. 15, Authorizing the lending by the State Highway Department of guard wire to the Park System of the City of Seymour, and the school systems of the Cities of

Quanah, Chillicothe, and Crowell, and to the Commissioners' Court of Bexar County.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Hardeman, Foard, Baylor, and Bexar, and adjacent counties; and

Whereas, It is anticipated that a large number of athletic events will be held in the county seats of said counties, as well as in at least one other town in said counties during the Spring and Summer of this year; and

Whereas, It will be necessary and of much importance to the public officials in these counties, and more particularly to the city authorities of the City of Seymour and to the school authorities of the City of Quanah, the City of Chillicothe, and the City of Crowell, that adequate safety protection be observed at and during the times that these athletic meets and other public gatherings are held, thereby making necessary the usage of suitable fencing to guard against safety hazards, and other hazards; and

Whereas, The same conditions apply in Bexar County, and same will be sought to be rectified under the supervision of the county commissioners' court of said county; and

Whereas, It would be a useful and beneficial accommodation to the aforementioned public officials if the State Highway Department were permitted to lend the said officials such quantities of the guard wire hereinabove mentioned as may be available for the purposes herein stated, and other useful and serviceable public purposes; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to lend to the public officials mentioned above sufficient quantities of the discarded wire hereinabove mentioned, if same is available, for the purposes as hereinabove set forth, said public officials to return such wire upon the request of the State Highway Department, and said Highway Department to use its own discretion concerning the request for return of said wire from each of or all of said public officials mentioned above, and it is so resolved.

Question—Shall the report be adopted?

The report was adopted unanimously.

**Conference Committee on  
Senate Bill 91**

Senator Spears called S. B. No. 91 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question.—Shall the Senate concur in the House amendments?

Senator Spears moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Spears, Weinert, Hazlewood, Stone and Graves.

**Message from the House**

The Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 171, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under General Law or Special Act of the Legislature, having seventy thousand (70,000) or more scholastics according to the last official scholastic census and wherein there may be situated a city having a population of three hundred seventy-five thousand (375,000) or more according to the last preceding Federal Census, and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school district within ten days from the effective date of this Act shall draw for positions on any such board of trustees in any such school district; providing the manner and method of electing trustees thereafter in any such dis-

trict and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candidate for election shall give notice of his or her candidacy as the case may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be, shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of this Act; further providing that all laws and parts of laws, both general and special insofar only as they may be in conflict herewith are repealed; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act providing that the commissioners' courts in counties of more than five hundred thousand (500,000) population, according to the last preceding Federal Census, shall have the authority to direct, control, employ, and discharge all building superintendents, janitors and other employees necessary to the upkeep, maintenance, and operation of the courthouses in their counties, excepting jail guards, matrons and other employees directly engaged in the operation and maintenance of the jails and safekeeping of prisoners in such counties, prescribing rules regarding such employees, and limitations upon the amount of salary to be paid, the method of employing and accounting, and the period for which such employment shall be made; and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand five hundred fifty (25,550), nor more than twenty-five thousand six hundred ten (25,610) according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county;

repealing S. B. No. 110, Acts of Forty-seventh Legislature, Regular Session, 1941; and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act to provide that in all suits on account of the defalcation of, or misapplication or misappropriation of money by, any public officer in this State the official bond or bonds of such officers executed after this Act takes effect shall inure to the benefit of the persons aggrieved by such defalcation, misapplication or misappropriation occurring during the period covered by such bonds, and that for all purposes of limitation such suits by such persons on such bonds shall be considered and treated as actions for debt founded upon a contract in writing and governed by the four years statute of limitation."

H. B. No. 34, A bill to be entitled "An Act to provide for the appointment of Commissioners to the National Conference of Commissioners on Uniform State Laws; providing their terms of office; defining their duties; and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act amending Article 2250, R. C. S. (1925), so as to authorize an appeal from certain interlocutory orders of the county court; and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act providing for the revision and compilation of the abstracts of patented, titled and surveyed land by the Commissioner of the General Land Office; making an appropriation for the printing and binding of same; providing for the distribution and sale of same by the Comptroller of Public Accounts; and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than eleven thousand five hundred forty (11,540) nor more than eleven thousand five hundred seventy (11,570), and twelve thousand three hundred eighty (12,380) nor more than twelve thousand three hundred ninety (12,390), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in over-seeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 367, A bill to be entitled "An Act making it lawful to hunt or kill wild foxes in DeWitt County, repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act amending Section 3 of H. B. No. 12 of the Second Called Session of the Forty-second Legislature, so as to remove the prohibition against catching or taking fish from the waters of Lake Waco and the Bosque Rivers and their tributaries in the Counties of McLennan, Bosque and Hamilton, during the month of February; and declaring an emergency."

H. B. No. 394, A bill to be entitled "An Act to repeal Chapter 71, H. B. No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets or other devices for catching fish or shrimp, with exceptions, in or on the waters of Matagorda Bay from the Colorado River to its eastmost end; and declaring an emergency."

H. B. No. 422, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

S. C. R. No. 23. Inviting Honorable T. W. Davidson, Federal Judge for the Northern District of Texas, to address joint session of the Senate and House



of Representatives, March 3, 1941, at 11 o'clock a. m.

S. C. R. No. 24, Commending Governor W. Lee O'Daniel and congratulating the citizens of Eldorado for the work done in establishing the West Texas Woolen Mill.

The House has concurred in Senate amendments to H. B. No. 375 by a vote of 129 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Bill and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following bill and resolution:

S. B. No. 42, A bill to be entitled "An Act providing for a supplemental scholastic census in school districts where there is an unusual increase in population due to proximity of national defense agencies; providing for the request by county superintendents for such census; directing the State Superintendent of Public Instruction to require the census and to approve a supplemental census roll of the districts; providing that said supplemental roll shall be a part of the original census of the district the same as if it had been taken in March; providing for the payment of scholastic apportionment in accordance with said supplemental scholastic census; providing for only one supplemental scholastic census in any one district annually; and declaring an emergency."

H. C. R. No. 47, Permitting House and Senate to adjourn on Thursday, February 20, to Monday, February 24, 1941.

#### Motion to Take Up Committee Substitute Senate Bill 20

Senator Moore moved that the regular order of business be suspended to take up C. S. S. B. No. 20 on its second reading and passage to engrossment.

The motion was lost by the following vote:

Yeas—8

Isbell	Smith
Martin	Stone
Moore	Weinert
Ramsey	Winfield

Nays—18

Aikin	Lovelady
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Spears
Hazlewood	Sulak
Hill	Van Zandt
Lanning	Vick
Lemens	York

Absent

Beck	Shivers
Brownlee	

Absent—Excused

Chadick	Kelley
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#### Senate Bill 70 on Engrossment

(Unfinished Special Order)

The President laid before the Senate, as the unfinished special order, on its passage to engrossment (the bill having been read second time on February 11, 1941):

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations containing small amounts of certain named drugs, etc.; and declaring an emergency."

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 70 at the end of line 44, page 1, by inserting Section 1-a, which shall read as follows:

"Section 1-a. On and after September 1, 1943, Section 1 of S. B. No. 70, Regular Session, Forty-seventh Legislature, is repealed, and in lieu thereof this Section 1-a shall prevail and be in lieu thereof. And on and after September 1, 1943, Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, as amended by S. B. No. 70, Regular Session, Forty-seventh Legislature, be and the same is hereby further amended so as to read as follows on and after September 1, 1943:

"Sec. 8. (Preparations Exempted). Except as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

"(1) Prescribing, administering, dispensing, or selling at retail of any



medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two (2) grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or of any of its salts, (d) not more than one-eighth of a grain of heroin or of any of its salts, (e) not more than one-half of a grain of extract of cannabis nor more than one-half of a grain of any more potent derivative or preparation of cannabis, (f) and not more than one of the drugs named above in clauses (a), (b), (c), (d), and (e).

"(2) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this Act shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

"The exemptions authorized by this Section shall be subject to the following conditions:

"(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this Section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this Section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which such preparation is prescribed, administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four grains of opium, or more than one-half grain of morphine or of any of its salts, or more than two (2) grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or more than one grain of extract of cannabis or one grain of any more potent derivative of or preparation of cannabis, or will provide such person or the owner of such animal, within forty-eight (48) consecutive hours, with more than one preparation exempted by this Section from the operation of this Act.

"(b) The medicinal preparation, or the liniment, ointment, or other prepa-

ration susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon its medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this Act.

"Nothing in this Section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act."

Question—Shall the amendment be adopted?

### Joint Session

(To Hear Address of Governor Sam Jones)

At 11:00 o'clock a. m., the President announced the arrival of the hour for a joint session to hear an address by Hon. Sam Jones, Governor of the State of Louisiana, pursuant to the provisions of H. C. R. No. 46.

Accordingly, The Senate repaired to the Hall of the House of Representatives and assembled in joint session with the House.

On invitation of the Speaker, the President of the Senate occupied a seat at the Speaker's desk.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House called the House to order, announced a quorum of the House present and called the joint session to order.

Hon. Sam Jones, Governor of the State of Louisiana, and Governor W. Lee O'Daniel were announced at the bar of the House and were escorted to the Speaker's desk by a joint committee composed of Senators Ramsey, Hill, Sulak, Stone, and Beck, and Representatives Kinard, Montgomery, Phillips, Burnaman and Daniel.

Speaker Leonard presented Representative Kinard, who presented Governor O'Daniel.

Governor O'Daniel introduced Hon. Sam Jones, Governor of Louisiana, to the joint session.

Governor Jones then addressed the joint session.

At the conclusion of the address, the Senate repaired to its Chamber.

#### In the Senate

The President called the Senate to order at 11:35 o'clock a. m.

#### Senate Bill 70 on Engrossment

The Senate resumed consideration of the pending special order, same being S. B. No. 70, on its passage to engrossment; with amendment by Senator Moffett pending.

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

Senator Moffett moved that further consideration of the bill be postponed until 10:00 o'clock a. m. next Monday, March 3, 1941, and that it be made a special order for consideration immediately after conclusion of the morning call on that day.

The motion prevailed unanimously.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 171, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under General Law or Special Act of the Legislature, having seventy thousand (70,000) or more scholastics according to the last official scholastic census and wherein there may be situated a city having a population of three hundred seventy-five thousand (375,000) or more according to the last preceding Federal Census, and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school district within ten days from the effective date of this Act shall draw for positions on any such board of trustees in any such school district; providing the manner and method of electing trustees thereafter in any such district and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candi-

date for election shall give notice of his or her candidacy as the case may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be, shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of this Act; further providing that all laws and parts of laws, both general and special insofar only as they may be in conflict herewith are repealed; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act providing that the commissioners' courts in counties of more than five hundred thousand (500,000) population, according to the last preceding Federal Census, shall have the authority to direct, control, employ, and discharge all building superintendents, janitors and other employees necessary to the upkeep, maintenance, and operation of the courthouses in their counties, excepting jail guards, matrons and other employees directly engaged in the operation and maintenance of the jails and safekeeping of prisoners in such counties, prescribing rules regarding such employees, and limitations upon the amount of salary to be paid, the method of employing and accounting, and the period for which such employment shall be made; and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand five hundred fifty (25,550), nor more than twenty-five thousand six hundred ten (25,610) according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; repealing S. B. No. 110, Acts of Forty-seventh Legislature, Regular Session, 1941; and declaring an emergency."

S. C. R. No. 15, Authorizing the lending by the State Highway Department of guard wire to the Park System of the City of Seymour.

S. C. R. No. 23, Providing for a joint session to hear an address by Hon. T. W. Davidson on Monday, March 3, 1941, at 11:00 o'clock, a. m.

S. C. R. No. 24, Commending Governor W. Lee O'Daniel for encouraging the industrial development of Texas and congratulating the citizens of Eldorado on the establishment of the West Texas Woolen Mill.

H. B. No. 375, A bill to be entitled "An Act validating notices to bidders on certain county projects and notices of intention to issue time warrants in payment thereof in each instance where the maximum amount of the warrants stated in said notice is not more than Sixty Thousand (\$60,000.00) Dollars, and where the first publication of such notice was fourteen (14) or more days prior to the date set for receiving bids, notwithstanding the fact that such notice was not published for two (2) consecutive weeks; authorizing commissioners' courts to proceed with the making of contracts pursuant to such notice and to issue time warrants in payment therefor; validating contracts made and time warrants authorized in payment thereof pursuant to such notice and prior to the effective date of this Act; providing that this Act shall not validate any warrants issued as herein described, the validity of which is attacked in any court of competent jurisdiction by suit pending therein at the time or within fifteen (15) days of the time this Act becomes effective; enacting other provisions relating to the subject; and declaring an emergency."

H. C. R. No. 44, Authorizing correction in H. B. No. 328.

H. C. R. No. 46, Inviting Hon. Sam Jones, Governor of Louisiana, to address a joint session of the Legislature on Monday, February 24, 1941.

#### Committee Substitute Senate Bill 20 on Second Reading

The President laid before the Senate, on its second reading and passage to engrossment:

C.S.S.B. No. 20, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a Director of the Budget, a

Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature; providing that the appointment of the State Auditor and the Director of the Budget shall be by and with the consent of two-thirds of the members of the Senate; prescribing the qualifications, duties and authority of the Director of the Budget and providing for his compensation; providing the method of making up such budgets and making requests for appropriations and furnishing information to such Director; providing for clerical assistance to the Director; prescribing the qualifications, duties, and authority of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; and prescribing penalties; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Senator Lanning moved that further consideration of the bill be postponed until April 1, 1941.

Senator Moore moved to table the motion to postpone.

Question—Shall the motion to table prevail?

#### Motion to Adjourn

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

#### Yeas—6

Aikin	Moffett
Brownlee	Stone
Lovelady	Van Zandt

#### Nays—21

Beck	Formby
Cotten	Graves
Fain	Hazlewood

Hill	Ramsey
Isbell	Smith
Lanning	Sulak
Lemens	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York
Moore	

Absent

Shivers	Spears
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Absent—Excused

Chadick	Kelley
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Question recurring on the motion to table the motion to postpone further consideration of C. S. S. B. No. 20, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—11

Beck	Smith
Fain	Stone
Isbell	Van Zandt
Martin	Weinert
Moore	Winfield
Ramsey	

Nays—16

Aikin	Lemens
Brownlee	Lovelady
Cotten	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Sulak
Hill	Vick
Lanning	York

Absent

Shivers	Spears
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Absent—Excused

Chadick	Kelley
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Motion to Adjourn

Senator Moffett moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—10

Beck	Moore
Fain	Ramsey
Isbell	Stone
Lovelady	Van Zandt
Moffett	Weinert

Nays—17

Aikin	Martin
Brownlee	Mauritz
Cotten	Metcalf
Formby	Smith
Graves	Sulak
Hazlewood	Vick
Hill	Winfield
Lanning	York
Lemens	

Absent

Shivers	Spears
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Absent—Excused

Chadick	Kelley
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Senator Moore moved to postpone further consideration of C. S. S. B. No. 20 until March 3, 1941.

Senator Metcalf moved to table the motion of Senator Moore.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15

Aikin	Lovelady
Cotten	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Sulak
Hill	Vick
Lanning	York
Lemens	

Nays—12

Beck	Ramsey
Brownlee	Smith
Fain	Stone
Isbell	Van Zandt
Martin	Weinert
Moore	Winfield

Absent

Shivers	Spears
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Absent—Excused

Chadick	Kelley
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Question recurring on the motion of Senator Lanning, to postpone further consideration of the bill to April 1, 1941, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Aikin	Formby
Cotten	Graves

Hazlewood	Metcalf
Hill	Moffett
Lanning	Sulak
Lemens	Vick
Lovelady	York
Mauritz	

Nays 12

Beck	Ramsey
Brownlee	Smith
Fain	Stone
Isbell	Van Zandt
Martin	Weinert
Moore	Winfield

Absent

Shivers	Spears
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Absent—Excused

Chadick	Kelley
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**Message from the House**

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that:

The House has concurred in Senate amendments to H. C. R. No. 20 by a vote of 131 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

**Adjournment**

Senator Lovelady moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**In Memory of**  
**Mr. Lee Clark**

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Senator Smith offered the following resolution:

(Senate Resolution 42)

Whereas, On the 19th day of February, 1941, the God of both the living and the dead, in His infinite wisdom and mercy, called from labor to rest Mr. Lee Clark of Cisco, Texas, a prominent and well beloved citizen of Northwest Texas; and

Whereas, In the departure from us of this distinguished man his community, State, and Nation has lost a loyal and outstanding citizen; and

Whereas, Mr. Clark served his state in many valuable ways, having been Superintendent of Schools at Gainesville and Wichita Falls for many years and being founder of the Wichita Falls Junior College and a president of Randolph College; and

Whereas, A life of such distinguished service and devout Christianity deserves recognition and tribute by his fellow men; now, therefore, be it

Resolved by the Senate of the State of Texas, That the members thereof deeply regret the passing of this noble and worthy citizen, and that we extend our sincere sympathy to the surviving members of his family; and be it further

Resolved, That when the Senate adjourns today, it do so in memory of Mr. Lee Clark; that a page of the Senate Journal of today be dedicated to his memory, and the Secretary of the Senate be instructed to send a copy of this resolution to his surviving wife, Mrs. Lee Clark, of Cisco, Texas.

The resolution was read and was adopted unanimously.